

JOY HOLLING-FRY, )  
)  
Plaintiff, )  
)  
vs. ) No. 07-0092-CV-W-DGK  
)  
COVENTRY HEALTH CARE OF )  
KANSAS, INC., )  
)  
Defendant. )

Pending before the Court is Plaintiffs’ motion *in limine* (doc. 118) to exclude evidence regarding an alleged interpretation of 20 CSR 400-7.100 (“the copay regulation”) by the Missouri Department of Insurance, Financial Institutions and Professional Registrations (“DIFP”). Plaintiff argues evidence of any interpretation of the copay regulation by DIFP is irrelevant because Defendant agreed to be bound by the *Vermiglio* court’s interpretation of the regulation and because any interpretation of the regulation has not been subject to notice and comment. Defendant argues the Court should hear the evidence because this is a judge tried case, and the Court can decide what, if any, weight to give it. Defendant also contends the evidence is relevant to the issues of agency deference and Plaintiffs’ request for equitable relief.

Plaintiffs' motion in limine is GRANTED. Evidence of any alternate interpretation of the copay regulation by DIFP shall be excluded.

**IT IS SO ORDERED.**

Date: September 27, 2011

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT